

I

98TH CONGRESS
1ST SESSION

H. R. 2787

To amend the National Security Act of 1947, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 27, 1983

Mr. FOWLER introduced the following bill; which was referred to the Permanent Select Committee on Intelligence

A BILL

To amend the National Security Act of 1947, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Intelligence Activities
4 Oversight Improvement Act".

5 SEC. 2. Section 662 of the Foreign Assistance Act of
6 1961 (22 U.S.C. 2422) is repealed.

7 SEC. 3. (a) Section 501(a)(1) of the National Security
8 Act of 1947 (50 U.S.C. 413(a)(1)) is amended to read as
9 follows:

1 “(1) keep the Select Committee on Intelligence of
2 the Senate and the Permanent Select Committee on
3 Intelligence of the House of Representatives (herein-
4 after in this section referred to as the ‘intelligence
5 committees’) fully and currently informed of all intelli-
6 gence activities which are the responsibility of, are en-
7 gaged in by, or are carried out for or on behalf of, any
8 department, agency, or entity of the United States, in-
9 cluding any significant anticipated intelligence
10 activity;”.

11 (b) Section 501(b) of the National Security Act of 1947
12 (50 U.S.C. 413(b)) is amended to read as follows:

13 “(b)(1) No special activity may be initiated by any de-
14 partment, agency, or entity of the United States unless and
15 until the activity has been approved by the President and the
16 President has made a written finding that, in the President’s
17 opinion—

18 “(A) such activity is essential to the national de-
19 fense or the conduct of the foreign policy of the United
20 States;

21 “(B) such activity is consistent with, and in sup-
22 port of, the publicly avowed foreign policy of the
23 United States;

1 “(C) the anticipated benefits of such activity justi-
2 fy the foreseeable risks and likely consequences of its
3 disclosure to a foreign power;

4 “(D) overt or less sensitive alternatives would not
5 be likely to achieve the intended objectives; and

6 “(E) the circumstances require the use of extraor-
7 dinary means.

8 “(2) No department, agency, or entity of the United
9 States may conduct any special activity which is not within a
10 category of special activities authorized by the President
11 under paragraph (5) if—

12 “(A) the President does not submit, before the ac-
13 tivity is commenced, a report containing the written
14 finding required in paragraph (1), a description of the
15 nature and scope of the activity, and a justification for
16 the activity to the intelligence committees; or

17 “(B) both intelligence committees disapprove such
18 activity within fifteen calendar days of receiving the
19 prior notice required by subparagraph (A).

20 “(3) If the President determines that limiting the prior
21 notice required by paragraph (2)(A) is essential in order to
22 meet extraordinary circumstances affecting vital interests of
23 the United States, such prior notice may be limited to the
24 chairmen and ranking minority members of the intelligence
25 committees, so long as the remaining members of such com-

1 mittees are notified not less than forty-eight hours after such
2 limited notice.

3 “(4) After the submission of a report referred to in para-
4 graph (2)(A), the President shall provide either intelligence
5 committee such additional information as such committee
6 may request concerning the activity which is the subject of
7 such report.

8 “(5) Special activities other than those which involve or
9 may involve elements of high risk, major resources, or serious
10 political consequences may be authorized by the President by
11 category, but such a category of activities may not be author-
12 ized unless the President—

13 “(A) personally finds that activities falling within
14 the category are important to the national security of
15 the United States; and

16 “(B) reports, before any activity within the cate-
17 gory is commenced, a description of the nature and
18 scope of the category and a justification for conducting
19 activities within the category to the intelligence
20 committees.

21 No funds may be expended for any activity falling within a
22 category authorized under this paragraph until the President
23 has made the finding required under subparagraph (A) and
24 submitted the report required under subparagraph (B).

1 “(6) After a category of special activities has been au-
2 thorized by the President and such category has been report-
3 ed to the intelligence committees pursuant to paragraph (5),
4 the National Security Council (or a committee thereof desig-
5 nated by the President) shall be responsible for the supervi-
6 sion of each activity falling within such category and shall
7 ensure that each such activity remains consistent with the
8 nature and scope of the category as authorized by the
9 President.

10 “(7) The President shall provide to either intelligence
11 committee such additional information pertaining to specific
12 special activities undertaken within a category of activities
13 authorized by the President under paragraph (5) as such com-
14 mittee may request.

15 “(8) For the purposes of this subsection, the term ‘spe-
16 cial activity’ means any activity conducted in support of na-
17 tional foreign policy objectives abroad which are planned and
18 executed so that the role of the United States Government is
19 not apparent or acknowledged publicly, and functions in sup-
20 port of such activities, but which are not intended to influ-
21 ence United States political processes, public opinion, poli-
22 cies, or media and do not include diplomatic activities or the
23 collection and production of intelligence or related support
24 functions.

6

1 “(9) This subsection shall not apply to activities initiated
2 by the United States pursuant to a declaration of war ap-
3 proved by the Congress.”.

O